

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:)	
)	
Reallocation of the 216-220 MHz,)	WT Docket No. 02-08
1390-1395 MHz, 1427-1429 MHz,)	RM-9267
1429-1432 MHz, 1432-1435 MHz,)	RM-9692
1670-1675 MHz and 2385-2390 MHz)	RM-9797
Government Transfer Bands)	RM-9854
)	RM-9882
)	

To: The Commission

REPLY COMMENTS

Paging Systems, Inc. ("PSI"), by its attorneys and pursuant to Notice of Proposed Rule Making, WT Docket No. 02-08, RM-9267, RM-9692, RM-9797, RM-9854, RM-9882, released February 6, 2002, 67 Fed. Reg. 7113 (2002)("NPRM"), hereby submits its Reply Comments in the above-referenced proceeding. The Federal Communications Commission ("Commission" or "FCC") invited Reply Comments to be filed 30 days following publication in the Federal Register on March 19, 2002.

PSI will reply only to those Comments that discussed the 216-220 MHz frequency band.

I.

DISCUSSION

A. Existing Users in the 216-220 MHz Band

As PSI stated in its Comments filed with the Commission on March 4, 2002, there are many users in the AMTS band: the Commission has retained Non-government

operations on a secondary basis, including telemetry, amateur operations and wildlife/ocean buoy tracking operations; Government incumbent operations in this band include U.S. Navy's Space Surveillance (SPASUR) Radar system (in the PSI licensed AMTS Channel Group B) and the U.S. Coast Guard's 30 airsearch radars on a secondary basis; and the Government is also continuing to operate fixed and land mobile services on a secondary basis, limited to telemetering and telecommand operations. In addition, AMTS licensees must protect TV Channels 10 and 13. Finally, PSI has identified over 7,000 transmitters operating on the its licensed AMTS Channel Group B, through-out the United States.

It is against this backdrop that PSI respectfully requests, due to the large number of existing operators in the AMTS Band, that the Commission focus on the 218-219 MHz Band to license telemetry.

B. Comments of Data Flow System, Inc.

Data Flow System, Inc.'s ("Data Flow") Comments did not even address its original proposal to amend §§90.35 and 90.259 to facilitate the use of the 216-220 MHz band for fixed telemetry purposes for water utility companies. Instead, Data Flow, an equipment vendor who is presumably interested in creating new marketing opportunities, expanded its focus and proposed: that *all* new water utility telemetry licenses be restricted to the 217-220 MHz band and given primary status; a change of location for *all* water utility telemetry licensees from other frequencies to 217-220 MHz with a change of status from secondary to primary status; an immediate reduction in the 217-220 MHz

bandwidth; and message coding in the emission designator portion of the applications of users employing universal protocols.¹

This proposal is expansive and not appropriate to the very specific requests for comments that the Commission has presented in the NPRM. As such, it goes well beyond the scope of this proceeding and should be disregarded. In a parallel proceeding, Reallocation Report and Order² at ¶19, the Commission has affirmed that Non-government operations will remain on a secondary basis, including telemetry, amateur operations and wildlife/ocean buoy tracking operations. The time for filing petitions for reconsideration in that proceeding has expired.

PSI submits that the emphasis must be on the incumbent primary users of the AMTS band. Data Flow's comment concerning AMTS are both speculative and gratuitous. Telemetry users must remain secondary.

C. Securicor Wireless Holdings, Inc. 's Proposal

It appears from the Commission's Electronic Comment Filing System that Securicor Wireless Holdings, Inc. ("Securicor") did not file Comments in connection with its proposal for a modified band plan and "white space" competitive bidding for licensing in the 216-220 MHz band.³

PSI concurs with Datex Spectrum, L.L.C. ("Datex") and U.S. Telemetry Corporation ("UST") that the Securicor proposal is for "new speculative services" in the 216-220 MHz band which "threaten to disrupt the primary services" in this band.⁴ PSI

¹ Data Flow Comments at 4.

² In the Report and Order and Memorandum Opinion and Order, ET Docket No. 00-221, FCC 01-382, ¶57, released January 2, 2002 ("Reallocation Report and Order."), the FCC elevated LPRS to primary status in the 216-217 MHz portion of the band.

³ NPRM at ¶4.

⁴ Joint Datex and UST Comments at 2.

joins with Datex and UST to urge the Commission to reject Securicor's proposal.

D. Comments of United Telecom Council

PSI opposes the United Telecom Council's ("UTC's") support of Data Flow's proposed rule changes for secondary telemetry users.⁵ The Commission should not revise its rules to accommodate these secondary users. The Commission has stated in this NPRM, that "secondary operations must always defer to primary incumbents in an environment where these primary incumbents may increase operations and have preference."⁶

PSI does agree with UTC that the Commission should license telemetry on a site-by-site basis.⁷ This will aid in immediately locating the source of interference.

A further aid in locating interference from telemetry operations would be an identifier. Currently, Section 90.425(d)(3) of the Commission's Rules and Regulations states that "A station need not transmit station identification if it is a transmitting for telemetering purposes." Although this would require a rule change, PSI submits that an identifier should be used so that primary licensees will be able to locate an interference source from the secondary users.

E. Comments of Itron, Inc.

PSI also opposes Itron, Inc.'s ("Itron's") support of Data Flow's proposed rule changes for secondary telemetry users.⁸ As stated above, the emphasis should be on the primary users in the 217-220 MHz frequency bands and no rule modifications should be made for secondary licensees.

⁵ UTC Comments at 3.

⁶ NPRM at ¶59

⁷ UTC Comments at 6.

II.

CONCLUSION

WHEREFORE, the above premises considered, PSI respectfully requests that the Commission consider its Reply Comments in the above-referenced proceeding.

Respectfully submitted,

PAGING SYSTEMS, INC.

A handwritten signature in black ink, appearing to read "Audrey P. Rasmussen". The signature is fluid and cursive, with the first name "Audrey" being more prominent.

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Audrey P. Rasmussen
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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on the 19th day of March, 2002, a true and correct copy of the above and foregoing **REPLY COMMENTS** was sent by U.S. Mail, with proper postage thereon fully paid, to:

Dana Davis
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/s/ Gladys L. Nichols